

# ***Council Meeting - Agenda***

***CITY COUNCIL CALENDAR***

***Thursday, February 22, 2007 - 7:00 p.m.***

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***OPENING OF SESSION BY: COUNCIL PRESIDENT LEO R. PIMENTAL***

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***PRAYER LED BY: REVEREND STEVEN RODRIGUES***

***ST. PAUL'S METHODIST CHURCH***

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***PLEDGE OF ALLEGIANCE LED BY: COUNCILLOR WARD FOUR VIOLA PINA  
AND***

***COUNCILLOR AT LARGE BRIAN K. GOMES***

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## ***CITATIONS***

1. CITATIONS, Councillor Gomes, honoring the New Bedford Police Officers who will be graduating from the Police Academy on February 17, 2007. See TABLED - **01/25/07** COMMUNICATION, MAYOR LANG, TO CITY COUNCIL, submitting list of individuals for CONFIRMATION as NEW BEDFORD POLICE OFFICERS by the City Council, pending successful completion of the Police Academy and their Graduation on February 17, 2007, and to be Presented at the Commissioning Ceremony 12 Noon, on March 02, 2007, at the Whaling Museum, as follows:

Roberto C. DaCunha New Bedford, MA  
Julio R. Martinez New Bedford, MA  
Kenneth Mendes New Bedford, MA  
Paul J. Lagoa New Bedford, MA  
Luis S. Melendez New Bedford, MA  
Andrew H. Ryder II New Bedford, MA

Scott D. Conceicao New Bedford, MA  
Michael A. Lopes New Bedford, MA  
Jason X. Silveira New Bedford, MA  
Thomas Chevalier New Bedford, MA  
Jonathan Lagoa New Bedford, MA

2. CITATIONS, Councillor Gomes, honoring the Sheriff's Department and the City Employees for the cleanup of the New Bedford Regional Airport.

### ***MAYORS PAPERS***

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the TRANSFER of \$57.00 from Licensing, Supplies & Materials to LICENSING, CHARGES & SERVICES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the TRANSFER of \$2,000.00 from Mayors Charges & Services, to MAYORS, SUPPLIES & MATERIALS.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the TRANSFER of \$5,112.00 from Inspectional Services, Salaries & Wages, to HEALTH, CHARGES & SERVICES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the TRANSFER of \$30,000.00 from Treasurers, Salaries & Wages, to FIRE, SUPPLIES & MATERIALS.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the TRANSFER of \$600.00 from Inspectional Services, Salaries & Wages, to PLANNING, CHARGES & SERVICES.

M5a. AN ORDER,

### ***OLD BUSINESS (ON THE TABLE)***

3. / TABLED ITEM 02/08/07 HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell

products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (IN CITY COUNCIL FEBRUARY 08, 2007 - TABLED UNTIL NEXT COUNCIL MEETING ON FEBRUARY 22, 2007.)

3a. / TABLED ITEM 02/08/07 AN ORDER, (IN CITY COUNCIL FEBRUARY 08, 2007 - TABLED UNTIL NEXT COUNCIL MEETING ON FEBRUARY 22, 2007.)

### ***NEW BUSINESS***

4. REPORT, Committee on Appointments and Briefings, recommending that the City Council contact the Department of labor – Office of Federal Contract Compliance in Boston, and ask them to conduct a Disparity Study for the review of the Corson Building Project.

5. WRITTEN MOTION, Council President Pimental, requesting that BROCK AVENUE, between Clara Street and Butler Street, in front of Libad's Bar & Grille at 578 Brock Avenue, be CLOSED on SUNDAY, JULY 22, 2007, from 9:00 a. m. to 11:00 p. m. for the ANNUAL LENNY OLIVEIRA MEMORIAL BIKE RUN.

6. WRITTEN MOTION, Council President Pimental and Councillor Koczera, asking that the City Council send a letter to Police Chief Teachman, requesting that the number of Canine Units in the City of New Bedford be increased, due to the fact that the City now has only two (2) Units, and at least four to six (4 – 6) Canine Units are needed to be effective in crime prevention.

7. WRITTEN MOTION, Councillor Coelho, on behalf of Mr. Urgel DaCosta, 302 Mt. Pleasant Street, that the ZONING of ES BELLEVILLE AVENUE, Plot 86, Lot 21, be CHANGED FROM "Industrial (IINB)" TO MIXED-USE BUSINESS." (To be referred to the Committee on Ordinances and Planning.)

8. WRITTEN MOTION, Council President Pimental, Councillors Gomes and Lawrence, on behalf of the family of the late Marilyn Pontes, her many friends, the South End Civic League, other organizations and other residents whom she befriended and assisted throughout the years with her community activities, requesting that the Warming House in Victory Park, on Brock Avenue, in the Far South End of the City, be named "The Marilyn Pontes Warming House," in honor of the late Marilyn Pontes, who dedicated many hours and personal funds to ensure that this historically significant landmark was beautifully restored, preserved and its original purpose maintained, as well as assisting with many other community projects, particularly in the City's South End and especially those for the youth of our City such as the "Horribles" Parade on Halloween.

8a. COMMUNICATIONS, Council President Pimental, to Park Board and Recreation Board, informing them of motion for, and requesting that they consider, the

naming/dedication of, the Warming House at Victory Park in honor of the late Marilyn Pontes, a long-time and strong community activist in the South End of New Bedford, who passed away unexpectedly on Saturday, February 10, 2007.

9. WRITTEN MOTION, Council President Pimental, requesting that the ZONING of 83 CLEVELAND STREET, Plot 14, Lot 224, be changed from Residential “C” to INDUSTRIAL “A”. (To be referred to the Planning Board and the Committee on Ordinances.) (Note: Originally IN CITY COUNCIL 01/11/07 and referred to Planning Board and the Committee on Ordinances with Zoning to be changed from Residential “C” to Mixed-Use Business.)

10. WRITTEN MOTION, Councillor Alves, submitting AN ORDER, petitioning the Legislature for authority to adopt protections for Governmentally-Involved Housing. (AN ACT to Adopt Protections for New Bedford’s Governmentally-Involved Housing Stock.)

10a. AN ORDER, (Ordering the Adoption of AN ACT)

10b. AN ACT, TO ADOPT PROTECTIONS FOR NEW BEDFORD’S GOVERNMENTALLY-INVOLVED HOUSING STOCK. (To be sent to State Representative Cabral after Adoption by City Council and Mayor.)

11. WRITTEN MOTION, Council President Pimental, submitting AN ORDER, petitioning the Legislature to authorize the City of New Bedford to enact and enforce Ordinances regulating/prohibiting the use of motorized bicycles and scooters on public ways within the City’s limits. (AN ACT, Authorizing the City of New Bedford to Enact and Enforce Ordinances Pertaining to the Regulation or Prohibition of the Use of Motorized Scooters on Public Ways Within Said City’s Limits.)

11a. AN ORDER, (Ordering the Adoption AN ACT)

11b. AN ACT, AUTHORIZING THE CITY OF NEW BEDFORD TO ENACT AND ENFORCE ORDINANCES PERTAINING TO THE REGULATION ON PROHIBITION OF THE USE OF MOTORIZED BICYCLES AND MOTORIZED SCOOTERS ON PUBLIC WAYS WITHIN SAID CITY’S LIMITS. (To be sent to State Representative Cabral after Adoption by City Council and Mayor.)

12. WRITTEN MOTION, Councillor Alves, requesting that the Special Committee on Gaming set up and schedule a meeting with the Tribal Council Chairman, Glenn Marshall, and the Members of the Tribal Council of the Mashpee Wampanoag Tribe, to introduce them to, and acquaint them with, the benefits of the City of New Bedford as a potential site for an off-Cape gaming facility, due to their new status and Federal recognition from the U.S. Interior Department as a Sovereign Nation. (To be referred to the Special Committee on Gaming.)

13. WRITTEN MOTION, Councillor Alves, requesting, in an effort to move the “Cultural Center/Casa de Saudade Library Project” along, and to take advantage of the

potential to use the former Goodyear land site as an area of development, before the option is lost to the City of New Bedford, that the City Council take the initiative to recommend to the Mayor and the Cultural Center Committee that they consider building the already long-delayed Center (currently in the planning and development stages for over 5 years,) using the development concept used to build the University of Massachusetts, Downtown New Bedford (former Star Store Building) facility, in that the City would prepare a Request for Proposal (RFP) for a “Designated Developer” to build the facility, and lease the property back to the City (triple net lease) for a predetermined cost and at a predetermined period (20 to 99 years,) with the City reserving the option to buy the building or have the building transferred to the City at the end of the period; this would allow the Center to be built in the near future, allow the Committee a longer period to acquire the funds to pay off the cost of the building (via fundraisers, use fees, Government matching funds or grants, etc.,) and this concept would also address and/or eliminate this Mayor’s concerns about owning the land on which the facility would be built. (To be referred to the Mayor’s Office, Cultural Center Planning Committee and the City Council Committee on Environmental Affairs.)

14. PETITION, Joseph D. Sylvia, d/b/a/ Friendly Harbor Services, 107 Welby Road, New Bedford, MA 02745, requesting a RENEWAL of a Private Livery License, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Original License Approved December 2000, and current License expires February 24, 2007.) (Submitted by Councillor Morad.)

14a. AN ORDER,

15. PETITION, Roger Gauvin, 188 Shaw Street, New Bedford, MA 02745, requesting a NEW Private Livery License, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Submitted by Councillor Koczera.)

15a. AN ORDER,

16. COMMUNICATION, Council President Pimental, to Boston Beer Company, once again requesting that they consider the City of New Bedford as a possible location for a new Samuel Adams Brewery; submitting copy of letter signed by Councillors and Mayor, dated April 26, 2006, requesting same and copy of newspaper article re: relocation of two (2) Antique businesses to mills in the Far South End of the City.

17. COMMUNICATION, DPF Superintendent of Parks and Public Places Kenneth Blanchard, responding to Written Motion by Councillor Pina, In City Council January 25, 2007, re: trees at 61 Walden Street, stating work is completed.

18. COMMUNICATION, DPF Superintendent of Parks and Public Places Kenneth Blanchard, responding to Written Motion by Councillor Pina, In City Council January 25,

2007, re: replacing light pole 73-81 State Street, stating work is completed and continued monitoring for illegal dumping of trash.

19. COMMUNICATION, Donat J. “Dan” LeBlanc, Director, Department of Veterans’ Services and Benefits, to City Council, at the request of the Vietnam Veterans of America (VVA), Chapter 499, New Bedford, inviting Councillors to attend National Vietnam Veterans Day Ceremony at Camp Kennedy Building, Fort Taber, on Sunday, March 25, 2007, from 1:00 p.m. to 2:00 p.m., marking the 32<sup>nd</sup> Anniversary of the end of the Vietnam War. (Copy all Councillors 02/14/07.)

### ***TABLED BUSINESS***

**02/23/06** WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

**02/23/06** COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

**06/22/06** CITATIONS, Councillor Pina, honoring the Nativity Prep Students: Rashard Perry, Benjamin Lawrence, Emmanuel Barros, Cameron Walker, Steven Wynn, Jeramia Ortiz, Daniel Golda, Jonathan Pethick, Ryan Ewaszko, Taylor Silva, Joshua Argueta, Charles Bettencourt, Armando Giraldo, Steven Sanchez and Daniel Ojuri for their participation in the MABACH (Math-Basketball-Chess) Challenge held at Bishop Stang High School.

**07/20/06** CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

**08/17/06** CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844<sup>th</sup> Engineering Battalion, a Heavy Construction Equipment Operator who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004 to December 12, 2005 and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

**08/17/06 CITATION**, Councillor Pina, honoring BELMIRO FERNANDES on his Tour of Duty in Iraq.

**08/17/06 RESOLUTION**, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY'S PASSPORT TO READING DAY IN NEW BEDFORD.

**08/17/06 RESOLUTION**, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

**01/25/07 RESOLUTION**, Councillors Pimental, DeMedeiros, Morad and Gonsalves, honoring CAROL ROY on her 40 YEARS OF DEDICATED SERVICE TO THE CITY OF NEW BEDFORD'S ASSESSORS OFFICE.

**01/25/07 COMMUNICATION**, MAYOR LANG, TO CITY COUNCIL, submitting list of individuals for CONFIRMATION as NEW BEDFORD POLICE OFFICERS by the City Council, pending successful completion of the Police Academy and their Graduation on February 17, 2007, as follows:

Roberto C. DaCunha New Bedford, MA  
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Jason X. Silveira New Bedford, MA  
Thomas Chevalier New Bedford, MA  
Jonathan Lagoa New Bedford, MA

**01/25/07 WRITTEN MOTION**, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors, are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

**02/08/07 HEARING**, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (NOTE: TABLED TO FEBRUARY 22, 2007 MEETING.)

**02/08/07** AN ORDER, (NOTE: TABLED TO FEBRUARY 22, 2007 MEETING.)